

Testimony for: Minnesota Education Policy Committee
From: Amy R. Buchmeyer, JD, HSLDA Staff Attorney
Date: Monday, March 8, 2021
RE: Testimony in Opposition to HF 874

My name is Amy Buchmeyer, and I am a Staff Attorney for the Home School Legal Defense Association, where we advocate for the rights of parents to direct the education and upbringing of their children. With over 100,000 member families, including several thousand in Minnesota, we are the world's largest homeschool advocacy organization.

We acknowledge the intentions of the amendment's proponents to support quality education for MN children. Government funded education consumes massive resources and lawmakers should require accountability and the very best outcomes for students. But there are no constitutional or statutory obstacles preventing lawmakers from requiring accountability or better outcomes now.

The constitution is the supreme law of the land and final authority for interpreting it belongs to the Minnesota Supreme Court.

Therefore, when it comes to interpreting the meaning of this constitutional amendment, the intentions of the authors and proponents of this bill are irrelevant. It will be the state and federal courts who decide based on the cases before them what it means that a student has "*a fundamental right to a quality public education.*"

Many questions arise from this language. If a child has a "right" to a "public education" – would parents who home educate or enroll their child in a nonpublic school be denying this right? Could parents now be subject to educational neglect investigations for denying the rights of their children? Can a child sue because their education did not give them the "skills" necessary for participation in "the economy, our democracy, and society"? Who will decide what those "skills" are?

It will not be the legislature who makes these calls. These questions will become lawsuits before the court—and under this proposed amendment, one individual judge's swing vote could determine with finality Minnesota's education policy.

Minnesota's students deserve better. The answer to issues of quality and equity is empowered parents and families—empowered with more choices, not more government. Thank you.